

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: TUESDAY
DATE: JUNE 8, 2021
CALENDAR: 9:00 A.M. CHAPTER 13 CASES

COURT REOPENING

Effective June 14, 2021, courthouses for the Eastern District of California are reopened to the public. General Order No. 631 ¶ 1. Each judge within the district has discretion to continue to hold hearings remotely or to hold hearings in person. *Id.* at ¶ 4. The Honorable Fredrick E. Clement will hold remote and live hearings under the following schedule:

Until July 11, 2021

From the effective date of General Order No. 631 through July 11, 2021, Department A will continue to conduct hearings exclusively on a remote basis. Persons who wish to appear must do so by way of CourtCall; reservations for such an appearance may be arranged by calling (866) 582-6878.

On and After July 12, 2021

Starting July 12, 2021, Department A will resume in person hearings. However, any person preferring to appear via CourtCall may do so, notwithstanding any limitation contained in the "Telephonic Court Appearance through CourtCall Conference Service" on the court's website.

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be

heard. Parties favored by the tentative ruling need not appear. Non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [20-23300](#)-A-13 **IN RE: JOSE HERNANDEZ LOPEZ AND ALISHA HERNANDEZ**
[DPC-1](#)

MOTION TO DISMISS CASE
5-5-2021 [\[19\]](#)

MOHAMMAD MOKARRAM/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$2,050.00.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

2. [21-20401](#)-A-13 **IN RE: RAFAEL QUIROZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-10-2021 [\[55\]](#)

PETER MACALUSO/ATTY. FOR DBT.
5/17/21 FINAL INSTALLMENT FEES PAID \$151.99

Final Ruling

The fee having been paid in full, the order to show cause is discharged. The case will remain pending.

3. [21-21102](#)-A-13 **IN RE: RICHARD DESCHLER**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE DAVID P. CUSICK
5-12-2021 [\[12\]](#)

ANH NGUYEN/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

4. [21-21205](#)-A-13 **IN RE: BARBARA MARDEN**
[PPR-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-6-2021 [\[38\]](#)

BONNI MANTOVANI/ATTY. FOR MV.
OLEG ANDREYEV VS.
TRUSTEE NON-OPPOSITION

No Ruling

5. [21-20806](#)-A-13 **IN RE: JEFFREY/NIKEA HARRISON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-13-2021 [\[31\]](#)

THOMAS AMBERG/ATTY. FOR DBT.
5/13/21 INSTALLMENT FEE PAID \$78

Final Ruling

The installment having been paid, the order to show cause is discharged. The case will remain pending.

6. [20-23407](#)-A-13 **IN RE: KUN BERNARDINO**
[DPC-2](#)

MOTION TO DISMISS CASE
5-5-2021 [\[47\]](#)

MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

7. [20-24713](#)-A-13 **IN RE: BONITA BROOKS**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
3-24-2021 [\[45\]](#)

MARY TERRANELLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

8. [20-24713](#)-A-13 **IN RE: BONITA BROOKS**
[MET-2](#)

MOTION TO CONFIRM PLAN
4-14-2021 [\[53\]](#)

MARY TERRANELLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

11 U.S.C. § 1325(a) (6)

Under 11 U.S.C. § 1325(a) (6), the proposed chapter 13 plan must be feasible, and the debtor must demonstrate ability to comply with its terms. Here, the plan (ECF No. 56) is contingent on a monthly \$2,290.00 contribution that is characterized as "Assistance from Adult Children," Amended Schedule I, ECF No. 57. However, to date, there are no filed declarations from the adult children stating ability and willingness to contribute that amount to plan payments. Without such evidentiary support, the court finds the debtor failed to demonstrate ability to pay under the terms of the proposed plan. The court will deny confirmation.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

9. [20-25314](#)-A-13 **IN RE: KEVIN BRIDGES**
[DPC-2](#)

MOTION TO DISMISS CASE
4-28-2021 [\[23\]](#)

MARK WOLFF/ATTY. FOR DBT.
DEBTOR NON-OPPOSITION

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true.

TeleVideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The trustee moves to dismiss this chapter 13 case. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. The debtor has failed to confirm a plan within a reasonable time. The case has been pending for approximately 7 months, yet a plan has not been confirmed. This constitutes unreasonable delay by the debtor that is prejudicial to creditors. The court will dismiss the case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby dismisses this case.

10. [21-20915](#)-A-13 **IN RE: ADRENIA DESPANIE**
[SLE-3](#)

MOTION TO SET ASIDE DISMISSAL OF CASE AND/OR MOTION TO STAY
5-21-2021 [[49](#)]

STEELE LANPHIER/ATTY. FOR DBT.
DEBTOR DISMISSED: 05/20/2021

No Ruling

11. [19-23616](#)-A-13 **IN RE: MARK BRASHLEY**
[WW-5](#)

MOTION TO INCUR DEBT
5-4-2021 [\[66\]](#)

MARK WOLFF/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Approve New Debt [Refinance Mortgage Loan]

Notice: LBR 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Prepared by moving party

Refinance Mortgage Loan: \$1,925.00/month (2.875% interest, 30 years)

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks to incur new debt to refinance an existing mortgage loan. Amended Schedules I and J have been filed, ECF No. 73, indicating that the debtor can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. The court will grant the motion and approve the debtor's incurring of this new debt.

12. [19-23616](#)-A-13 **IN RE: MARK BRASHLEY**
[WW-6](#)

MOTION TO MODIFY PLAN
5-4-2021 [\[70\]](#)

MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by movant, approved by the trustee

Subject: First Amended Chapter 13 Plan, May 4, 2021

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CHAPTER 13 PLAN MODIFICATION

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification. The court further orders that the plan reflect the value of Consumer Portfolio Services, Inc.'s collateral (Class 2(B)) to be \$14,400.00, as ordered in docket number 38.

13. [21-20417](#)-A-13 **IN RE: DANE CUMMINGS**
[MOH-1](#)

CONTINUED MOTION TO CONFIRM PLAN
3-15-2021 [\[33\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Prepared by the movant, approved by the trustee

Subject: First Amended Chapter 13 Plan, March 15, 2021

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CHAPTER 13 PLAN CONFIRMATION

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

14. [21-20917](#)-A-13 **IN RE: LORAIN DIXON**
[BPR-1](#)

MOTION FOR LEAVE TO FILE LATE OBJECTIONS TO PLAN
5-21-2021 [\[27\]](#)

PETER MACALUSO/ATTY. FOR DBT.

BRENDAN RUDDY/ATTY. FOR MV.

No Ruling

15. [21-20917](#)-A-13 **IN RE: LORAIN DIXON**
[BPR-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY CALIFORNIA DEPARTMENT
OF JUSTICE
5-24-2021 [\[35\]](#)

PETER MACALUSO/ATTY. FOR DBT.
BRENDAN RUDDY/ATTY. FOR MV.

No Ruling

16. [21-20917](#)-A-13 **IN RE: LORAIN DIXON**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
4-28-2021 [\[17\]](#)

PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

17. [20-20421](#)-A-13 **IN RE: MIRNA RODRIGUEZ AND JUAN ALFARO**
[DPC-2](#)

MOTION TO DISMISS CASE
5-5-2021 [\[28\]](#)

DIANA CAVANAUGH/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISMISSAL

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to

make all payments due under the confirmed plan. Payments are delinquent in the amount of \$7,030.00.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

18. [21-20121](#)-A-13 **IN RE: TIMOTHY/CLARISSA FRIER**
[WW-1](#)

MOTION TO CONFIRM PLAN
5-4-2021 [[33](#)]

MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

19. [21-20821](#)-A-13 **IN RE: AISHA HAMILTON**
[MMM-2](#)

MOTION TO AVOID LIEN OF LINCOLN AUTOMOTIVE FINANCIAL SERVICE
5-3-2021 [\[21\]](#)

MOHAMMAD MOKARRAM/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Judicial Lien Avoided: \$2,958.06

All Other Liens: \$246,334.07

Exemption: \$300,000.00

Value of Property: \$390,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

20. [21-21721](#)-A-13 **IN RE: ROSA GONZALEZ-MUNOZ**
[RWH-1](#)

MOTION TO EXTEND AUTOMATIC STAY
5-17-2021 [\[10\]](#)

RONALD HOLLAND/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

No Ruling

21. [21-20825](#)-A-13 **IN RE: STEPHEN WACHIRA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-14-2021 [\[35\]](#)

JOSEPH CANNING/ATTY. FOR DBT.
5/17/21 FINAL INSTALLMENT FEES PAID \$234

Final Ruling

The fee having been paid in full, the order to show cause is discharged. The case will remain pending.

22. [17-25229](#)-A-13 **IN RE: KI/EUN CHANG**
[HJA-3](#)

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT,
WAIVE SECTION 1328 CERTIFICATE REQUIREMENT, CONTINUE CASE
ADMINISTRATION, AND FOR OMNIBUS RELIEF AS TO DEBTOR
4-26-2021 [\[48\]](#)

H. AHN/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Substitution of Representative, Continued Administration,
Waiver of Personal Financial Management and Waiver of Certifications

Notice: LBR 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Civil minute order

The debtor Eun Joo Chang prays appointment of continued administration, waiver of the post-petition education requirement and the § 1328 certification for her now deceased spouse Ki Bong Chang.

DISCUSSION

Suggestion of Death

When a chapter 13 debtor dies, counsel for the debtor shall file a Suggestion of Death.

Notice of Death. In a bankruptcy case which has not been closed, a **Notice of Death of the debtor [Fed. R. Civ. P. 25(a), Fed. R. Bankr. P. 7025] shall be filed within sixty (60) days of the death of a debtor by the counsel for the deceased debtor or the person who intends to be appointed as the representative for or successor to a deceased debtor.** The Notice of Death shall be served on the trustee, U.S. Trustee, and all other parties in interest. **A copy of the death certificate (redacted as appropriate) shall be filed as an exhibit to the Notice of Death.**

LBR 1016-1(a) (emphasis added); see also, Fed. R. Civ. P. 25(a), *incorporated by* Fed. R. Bank. P. 7025, 9014(c).

Here, Notice of the Death of Ki Bong Chang was timely filed, ECF No. 48. The Notice was filed within 60 days of his death (April 21, 2021).

Continued Administration

Continued administration on behalf of a deceased chapter 13 debtor is discretionary.

Death or incompetency of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death or incompetency had not occurred. **If a reorganization, family farmer's debt adjustment, or individual's debt adjustment case is pending under chapter 11, chapter 12, or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred.**

Fed. R. Bankr. P. 1016 (emphasis added).

Here the surviving debtor has demonstrated ability to continue with administration of the chapter 13 case. The surviving debtor has supplied amended Schedules I and J (ECF No. 55-56) and declarations in support of her motion (ECF No. 60) which demonstrate her ability to continue with the case administration. The court will allow continued administration.

Waiver of Post-Petition Education Requirement

In most case, individual chapter 7 debtors must complete a post-petition personal financial management course to receive a discharge. 11 U.S.C. 727(a)(11).

The court shall grant the debtor a discharge unless . . .
. after filing the petition, the debtor failed to
complete an instructional course concerning personal
financial management described in section 111, except
that this paragraph shall not apply to a debtor who is a
person described in section 109(h) (4).

Section 109(h) provides:

The requirements of paragraph (1) shall not apply with
respect to **a debtor whom the court determines, after
notice and hearing, is unable to complete those
requirements because of incapacity, disability,** or active
military duty in a military combat zone. For the purposes
of this paragraph, incapacity means that the debtor is
impaired by reason of mental illness or mental deficiency
so that he is incapable of realizing and making rational
decisions with respect to his financial responsibilities;
and **"disability" means that the debtor is so physically
impaired as to be unable, after reasonable effort, to
participate in an in person, telephone, or Internet
briefing required under paragraph (1).**

11 U.S.C.A. § 109(h) (4) (emphasis added).

Death is a disability within the meaning of § 109(h) (4). As Ki Bong Chang died on April 21, 2021, he is disabled under § 109(h).

WAIVER OF § 1328 CERTIFICATIONS

The motion requests a waiver of the requirement to complete and file § 1328 certifications, including certifications concerning domestic support obligations, prior bankruptcy discharges, exemptions exceeding the amount stated in § 522(q) (1) and pending criminal or civil proceedings described in § 522(q) (1) (A) and (B). These certifications are generally required for debtors by § 1328(a) and Local Bankruptcy Rule 5009-1(b) and (c). The court will waive the requirement that the deceased debtor file certifications concerning compliance with § 1328, including Forms EDC 3-190 and EDC 3-191 required under LBR 5009-1.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Eun Joo Chang's motion has been presented to the court. Having entered the default of the respondents and having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is the motion is granted; and

IT IS FURTHER ORDERED that (1) continued administration is appropriate; (2) as to Ki Bong Chang the post-petition education

requirement is waived, 11 U.S.C. s 109(h); and (3) as to Ki Bong Chang the certifications required by 11 U.S.C. § 1328 are waived.

23. [17-22030](#)-A-13 **IN RE: JOSEPHINE ANTOLIN**
[DPC-3](#)

AMENDED MOTION TO DISMISS CASE
5-3-2021 [\[39\]](#)

YELENA GUREVICH/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

11 U.S.C. § 1307(c) (6)

11 U.S.C. § 1307(c) (6) states that a court may dismiss a chapter 13 case if the debtor is in material default with respect to a term of the confirmed plan. Here the debtor failed to provide for the priority claim of the Franchise Tax Board (Claim No. 3-1) in the amount of \$15,585.24. § 2.13 of the plan makes this failure a breach of the plan. Therefore, the court finds the debtor in material default and will dismiss this case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this

case. This delinquency constitutes cause to dismiss this case. 11
U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

24. [20-22331](#)-A-13 **IN RE: BRANDON/JOVINA LIMOSNERO**
[PSB-2](#)

CONTINUED MOTION TO INCUR DEBT
5-11-2021 [[65](#)]

PAULDEEP BAINS/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Approve New Debt [Vehicle Loan]

Notice: LBR 9014-1(f)(2); trustee's non-opposition filed

Disposition: Granted

Order: Prepared by moving party

Loan: \$128.25 per month, 130 months, 4.25% fixed interest

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks to incur new debt to finance the purchase of a vehicle. Amended Schedules I and J, ECF No. 74, have been filed indicating that the debtor can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. The court will grant the motion, and the trustee will approve the order as to form and content.

25. [20-25435](#)-A-13 **IN RE: ANGELA BEASLEY**
[DPC-2](#)

MOTION TO DISMISS CASE
5-3-2021 [\[32\]](#)

TIMOTHY WALSH/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

DELINQUENCY

The chapter 13 trustee moves to dismiss this chapter 13 case for a delinquency in payments under the debtor's proposed chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(1), (c)(4) and § 1326(a)(1)(A) to dismiss the case. Payments under the proposed plan are delinquent in the amount of \$7,083.90.

NO PLAN PENDING

The trustee moves to dismiss this chapter 13 case. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. The debtor has failed to confirm a plan within a reasonable time. The case has been pending for approximately 6 months, yet a plan has not been confirmed. This constitutes unreasonable delay by the debtor that is prejudicial to creditors. The court will dismiss the case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted because of the delinquency under the proposed chapter 13 plan in this case. The court hereby dismisses this case.

CONTINUED MOTION TO CONFIRM PLAN
3-4-2021 [\[45\]](#)

BONNIE BAKER/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

11 U.S.C. § 1325(a)(6)

11 U.S.C. § 1325(a)(6) requires that a chapter 13 plan is feasible and that the debtor is able to comply with its terms. Here feasibility of the plan depends on the granting of a motion to avoid lien for Family Law Lien. Pursuant to Local Bankruptcy Rule 3015-1(i), the debtor must file, serve and set for hearing an avoidance motion and the hearing on avoidance must be concluded before or in conjunction with the confirmation of the plan. Since the motion to avoid lien (Item 26) has been denied on a final basis, the court will dismiss this case under § 1325(a)(6).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

27. [20-25037](#)-A-13 **IN RE: GREGG MITCHELL**

CONTINUED MOTION TO AVOID LIEN OF THE FAMILY LAW CENTER
3-3-2021 [\[40\]](#)

BONNIE BAKER/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Denied without prejudice

Order: Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); *see also In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3). LBR 9014-1(e)(2) requires that a proof of service, "in the form of a certificate of service, shall be filed with the Clerk concurrently with the pleadings or documents served, or not more than three days after they are filed."

Service of the motion was insufficient. The movant never filed a certificate of service to accompany this motion. The court continued this matter to allow for the certificate to be filed, and ordered that the certificate be filed no later than May 11, 2021, ECF No. 69. No certificate has been filed.

LACK OF DOCKET CONTROL NUMBER

The lack of a docket control number on the papers filed in this matter violates the court's local rules. LBR 9014-1(c)(1) mandates the use of docket control numbers to be used on each document filed with the bankruptcy court in this district, including proofs of service.

28. [20-24242](#)-A-13 **IN RE: ROBERT MAC BRIDE**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
2-25-2021 [\[56\]](#)

RESPONSIVE PLEADING

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f) (1)

Disposition: Continued to July 20, 2021 at 9:00 a.m.

Order: Civil minute order

CONTINUATION

An amended plan has been filed in this case. The scheduled hearing on the confirmation is July 20, 2021, at 9:00 a.m. The court will continue the hearing on this motion to dismiss to coincide with the hearing on the confirmation. If the confirmation is disapproved, and the motion to dismiss has not been withdrawn or otherwise resolved, the court may dismiss the case at the continued hearing.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the chapter 13 trustee's motion to dismiss is continued to July 20, 2021, at 9:00 a.m.

29. [21-21644](#)-A-13 **IN RE: EDWARD MEDINA**
[HDR-2](#)

MOTION TO IMPOSE AUTOMATIC STAY
5-20-2021 [\[13\]](#)

HARRY ROTH/ATTY. FOR DBT.

No Ruling

30. [20-22445](#)-A-13 **IN RE: GREG/TERESA REYNOLDS**
[DPC-2](#)

MOTION TO DISMISS CASE
5-3-2021 [\[55\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

31. [21-20846](#)-A-13 **IN RE: ANTOINETTE EDWARDS**
[SC-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-7-2021 [\[27\]](#)

PETER MACALUSO/ATTY. FOR DBT.
SAM CHANDRA/ATTY. FOR MV.
REDWOOD HOLDINGS, LLC VS.
RESPONSIVE PLEADING

No Ruling

32. [21-21347](#)-A-13 **IN RE: ALSESTER COLEMAN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-19-2021 [\[14\]](#)

PETER MACALUSO/ATTY. FOR DBT.
5/21/21 INSTALLMENT FEE PAID \$78

Final Ruling

The installment having been paid, the order to show cause is discharged. The case will remain pending.

33. [21-20052](#)-A-13 **IN RE: CONSUELO MORRISON**
[DPC-2](#)

MOTION TO DISMISS CASE
4-28-2021 [\[44\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The trustee moves to dismiss this chapter 13 case. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. The debtor has failed to confirm a plan within a reasonable time. The case has been pending for approximately 6 months, yet a plan has not been confirmed. This constitutes unreasonable delay by the debtor that is prejudicial to creditors. The court will dismiss the case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby dismisses this case.

34. [19-26654](#)-A-13 **IN RE: THERESA WALKER**
[DPC-3](#)

MOTION TO DISMISS CASE
5-5-2021 [\[52\]](#)

COLBY LAVELLE/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c)(1) and (6) as the debtor has failed to make all payments due under the plan. The trustee contends that the debtor is delinquent in the amount of \$2,491.40.

The debtor's opposition states that the debtor has paid \$5,183.08 after the trustee filed the present motion to dismiss. The debtor also states that \$1,000.00 will be paid prior to the hearing on this motion and \$2,334.12 will be paid after the hearing on this motion. In effect, the debtor's statements regarding amounts remaining to be paid admits the existence of a delinquency in the amount of \$2,917.76.

The debtor's opposition does not fully resolve the grounds for dismissal. A delinquency still exists as of the date of the opposition. A statement of intent to pay the delinquency on or before a future date is not equivalent to cure of the delinquency. The court is unable to deny the motion given the outstanding delinquency.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having considered the motion, the opposition, responses, and oral argument at the hearing, if any, and good cause appearing,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$2,491.40. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

35. [21-21154](#)-A-13 **IN RE: JEAN APPLING**
[WAJ-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-13-2021 [[9](#)]

D. ENSMINGER/ATTY. FOR DBT.
WARREN JONES/ATTY. FOR MV.
DONTON CONSTRUCTION, INC. VS.
RESPONSIVE PLEADING

No Ruling

36. [20-21471](#)-A-13 **IN RE: JOHN STAHLECKER**
[DPC-2](#)

MOTION TO DISMISS CASE
5-5-2021 [[84](#)]

PAULDEEP BAINS/ATTY. FOR DBT.

No Ruling

37. [19-26680](#)-A-13 **IN RE: KENNETH LOKE**
[DPC-1](#)

MOTION TO DISMISS CASE
5-5-2021 [[23](#)]

MICHAEL HAYS/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are

delinquent in the amount of \$5,599.68. The debtor stated he will very unlikely become current in time for the next hearing, ECF No. 27.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

38. [16-27081](#)-A-13 **IN RE: MICHELLE SHAMBOURGER**
[JAD-2](#)

MOTION TO MODIFY PLAN
4-19-2021 [[65](#)]

TAMIE CUMMINS/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

39. [20-24890](#)-A-13 **IN RE: BARBARA PATTERSON**
[KLG-2](#)

MOTION TO CONFIRM PLAN
4-23-2021 [\[40\]](#)

ARETE KOSTOPOULOS/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

Disposition: Denied as moot

Order: Civil minute order

THE CHAPTER 13 PLAN HAS BEEN SUPERSEDED

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan and supersedes the prior plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any motion to confirm a prior plan. Because a modified plan has superseded the plan to be confirmed by this motion, the court will deny the motion as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion to confirm is denied as moot.

40. [21-20191](#)-A-13 **IN RE: KRISTA MICHIELS**
[SLE-1](#)

MOTION TO CONFIRM PLAN
4-18-2021 [\[30\]](#)

RICHARD KWUN/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

41. [19-27493](#)-A-13 **IN RE: ROGELIO VILLAR**
[PGM-3](#)

MOTION TO MODIFY PLAN
4-27-2021 [\[70\]](#)

PETER MACALUSO/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Prepared by movant, approved by the trustee

Subject: Second Amended Chapter 13 Plan, April 27, 2021

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CHAPTER 13 PLAN MODIFICATION

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.

42. [20-23693](#)-A-13 **IN RE: CARL CHILDS**
[DPC-1](#)

MOTION TO DISMISS CASE
5-5-2021 [[39](#)]

MARY TERRANELLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

43. [20-20797](#)-A-13 **IN RE: NIDA LACAP**
[DPC-4](#)

MOTION TO DISMISS CASE
5-5-2021 [[83](#)]

PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling